



Alturas Indian Rancheria Integrated Solid Waste Management Plan

August 2014

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Chapter 1

Introduction

Section 1 Background

Purpose of Integrated Waste Management Plan

This plan has been prepared by the Alturas Indian Rancheria as a road map to develop and implement an effective integrated solid waste management program specific to the tribe's needs. This plan includes the identification of existing solid waste systems, needs assessments, program design, implementation, and monitoring. This plan covers all aspects of solid waste planning, including collection, storage, and disposal, source reduction, recycling and composting, facilities, budgeting and financing.

Federal, State, and Other Agencies Involved

The United States has a unique legal relationship with Tribal governments based on specific constitution, treaties, statutes, executive orders, and court decisions. Under the American legal system, Indian tribes have sovereign powers separate and independent from the federal and state governments. This means that Tribal governments have the same powers as the federal and state governments to regulate their internal affairs, with a few exceptions. For instance, tribes have the power to form a government, to decide their own membership, the right to regulate property, the right to maintain law and order, the right to regulate commerce, and so on.

Because of the unique nature of Tribal sovereignty and specific federal legislation recognition, various governmental agencies are involved in assisting Indian tribes. Agencies assisting tribes with solid waste management needs and concerns are listed below.

United States Environmental Protection Agency (EPA)

The EPA is entrusted with the responsibility to protect human health and the environment. Working on a government-to-government basis with tribes, the EPA gives special considerations to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting Rancherias lands. In 1984, EPA became the first federal agency to adopt a formal Indian Policy of working with federally recognized tribes on a government-to-government basis. This policy is intended to provide guidance to EPA staff and managers in dealing with Tribal governments and in responding to the problems of environmental management on Indian Rancherias in order to protect Tribal health and environments.

EPA Region 9 is the agency our tribe works with to develop our environmental programs. From the Region 9 Tribal website:

Through collaborative efforts across all program offices, EPA Region 9 will implement the 1984 American Indian Policy, with the goal of protecting and enhancing ecosystems, human health, and cultural resources in Indian Country. Region 9 will work to ensure that its trust responsibility to federally recognized tribes is carried out and will work with tribes on a government-to-government basis. Region 9 envisions a partnership and an "environmental presence" with every federally recognized tribe. "Environmental presence" means that each tribe has at least one grant, certification, delegation, participation in an EPA program, collaborative effort with an EPA-implemented program, or on-site technical assistance from EPA. EPA Region 9 is committed to helping build tribal capacity to manage Indian Country environmental programs, and to ensure

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that tribes have a voice in decisions that affect their land, air and water resources. Region 9 supports the principle of tribal self-government and operates on the basis of consultation and cooperation among tribes, other federal agencies, state and local governments. For further information, go to the website:

<http://www.epa.gov/region9/tribal/>

Bureau of Indian Affairs (BIA)

The BIA is responsible for the administration and management of 55.7 million acres of land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. There are 562 federally recognized Tribal governments in the United States. Developing forestlands, leasing assets on these lands, directing agricultural programs, protecting water and land rights, developing and maintaining infrastructure and economic development are all part of the agency's responsibility. For further information, go to the website:

<http://www.bia.gov/>

Indian Health Services (IHS)

An agency within the Department of Health and Human Services, the IHS is responsible for providing federal health services to American Indians and Alaska Natives. The IHS is the principal federal health care provider and health advocate for Indian people, and its goal is to raise their health status to the highest possible level. The Sanitation Facilities Construction Program (SFC) within the IHS, provides assistance for the cooperative development and continued operation of safe water, wastewater, and solid waste systems, and related support facilities for American Indian and Alaska Native homes and communities. For further information, go to the website:

<http://www.ihs.gov>.

Pertinent Laws & Regulations

Federal and State

American Indian tribes play an increasingly critical role in regulating the environment on Indian lands. Although tribes are increasing their own regulatory authority, the EPA retains jurisdiction over all pollution sources until a program has been delegated to the tribe. Indian tribes must qualify for the "delegation" of a program under the various environmental protection laws administered by the EPA. A list of Federal laws and regulations concerning solid waste management issues is included in Appendix A.

State power over activities on Indian Rancherias generally is narrow. Although tribes are required to follow federal laws and regulations, tribes may incorporate state laws and regulations (when applicable) when addressing environmental issues. There is potential for overlap and conflict among tribal, state, and federal regulations. A good summary of this understanding is a paragraph

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from the publication "California Research Bureau, California State Library – ***Tribal Gaming In California***. September 1998":

California Environmental Laws Do Not Apply to Reservations. For example, state and local air quality regulators typically assign burn days. Burning of waste is restricted to certain days that have the right weather conditions to limit air pollution impacts.

Tribes do not need to adhere to this rule. Another example is that a gas station operated by an Indian tribe would not have to comply with state or local government vapor recovery equipment regulations.

The only environmental laws that apply on reservations are federal or tribal. The United States Environmental Protection Agency enforces most federal pollution laws. However, the U.S. EPA will allow a tribe to administer environmental programs, such as air and water quality, in the same way that a state administers these federal laws.

One of California's most important environmental laws is the California Environmental Quality Act (CEQA). CEQA requires disclosure of significant environmental impacts and mitigation of those impacts under some circumstances. CEQA does not apply to development on tribal lands. A related law, the National Environmental Policy Act (NEPA) applies to federal actions, including those on reservations. However, NEPA only applies when a federal permit is required, and a tribe does not always have to obtain a federal permit before building a casino.

Land use laws are a subset of environmental laws. In California, local governments control land use, but local land use regulations do not apply to the tribes. The tribes have authority to develop their own land use laws for reservations (page 13).

Tribal Codes

The Alturas Indian Rancheria has established its own codes relative to solid waste management.

LAWS AND CODES REGARDING SOLID WASTE MANAGEMENT

LAW AND CODE NUMBER	DESCRIPTION
AIR Solid Waste Ordinance	See attached ordinance

Section 2 Goals of The integrated Waste Management Plan

General Goals Statement

This integrated waste management plan has been developed to provide the tribal decision makers and members with a set of goals and policies to implement, monitor and evaluate future solid waste activities. A problem statement was prepared and a list of issues was developed as a first step in describing the solid waste system. This overview helped to determine where goals and policies should be established. Based on the issues identified, the following goals and objectives for the Integrated Solid Waste Management Plan have been adopted based upon the most pressing environmental problems identified in the Tribal Environmental Inventory.

(Environmental Inventory § IV)

- 1. Improved water quality**
- 2. Waste water treatment**
- 3. Reduction of solid was produced by commercial ventures**
- 4. Recycling and use of green technologies to reduce carbon footprint**
- 5. Contamination and pollution caused by neighboring jurisdictions usage of pesticides**
- 6. Over all the issues is the need for ordinance and codes to govern the environment.**

Section 3 Characteristics of the Alturas Indian Rancheria

General Description (Land Use)

The tribe is located in a high mountain area that remains relatively low in population density. The region contains a diversity of natural resources for industries such as agriculture, hunting, fishing and tourism.

Land use for the Alturas Indian Rancheria

Land use	Acres
Economic development	6
Grasslands	12
Wetland/slough	1
Tribal government/housing	1

Description of the Alturas Indian Rancheria

The Alturas Indian Rancheria is a federally recognized tribe (recognized in 1924) located near Alturas, California, in Modoc County. The tribes first constitution was approved in 1972. On the tribes 20-acre trust is located the Tribal Government Office, residential housing with a population of 5, a historical building, the Desert Rose Casino and event center. A fuel station c-store is currently under development.

The tribes trust land is bounded on three sides by the Modoc National Wildlife Refuge which

creates a special need to conduct high quality environmental protection for the Tribe and the refuges environment. In years past, the Tribe has cooperated with the Refuge to insure that nighttime lighting and other issues do not impact the Refuge. Likewise, the Refuge has worked to make sure run-off or water overflow does not inundate the Rancheria. The Tribe and the Refuge are dependent on each other as good neighbors to insure the good quality of life of continues. However, the Tribe has no formal environmental program in place.

The Integrated Waste Management Plan is critical to develop the Tribes capacity to insure the environs on and around the tribe are managed responsibly. The planned development of new housing units, need for wastewater treatment, continued access to clean water, clean up solid waste that was buried over a decade ago and control the current and future waste stream will require a comprehensive approach to regulations to establish the ability to sustain the environment for generations to come. It will also assist the Tribe in formalizing a relationship with Modoc National Wildlife Refuge. See attached survey maps and aerial photos.

Chapter 2

Waste Characterization

CHAPTER 2 - WASTE CHARACTERIZATION

Section 1 Population

Alturas Indian Rancheria Population 2014

TOTAL ENROLLMENT	MEMBERS LIVING ON RANCHERIA	NON-MEMBERS LIVING ON RANCHERIA	TOTAL RANCHERIA POPULATION
5	1	4	5

Housing

There are two tribally owned homes.

Tenants and Visitors

The year-round population of the Alturas Indian Rancheria is 5 persons. Seasonal visitors include an event center and casino. The Alturas Indian Rancheria operates the Desert Rose Casino and event center that attracts visitors from outside the Rancherias. It is estimated that 80,000 persons visit the casino and event center per year (based on data from our Table Trac system and hourly headcounts). This population inflow must be considered in the design and implementation of integrated solid waste management program for the Alturas Indian Rancheria.

Section 2 Waste Stream Generation and Solid Waste Generation Projections

The majority of solid waste from the Alturas Indian Rancheria transported for disposal to the Modoc County Landfill. The figure below indicates historical waste disposed in 2013. The waste generated is consistent through August 2014.

In 2013 the amount of waste generated was measured in yards. This figure is combined with residential and commercial since they utilize the same dumpster.

Two (2) six-yard dumpsters are emptied twice per week = 624 yards per year.

Projections

The table below utilizes the population projections from Section 1 and reflects the total waste generation over the 50-year planning period.

Population

YEAR	POPULATION	SOLID WASTE GENERATED (YARDS)
2014	5	624
2015	5	624
2020	7	936

CHAPTER 2 - WASTE CHARACTERIZATION

2025	10	936

The population projections for Alturas Indian Rancheria predict a growth to approximately 10 people between 2014 and 2025 and the addition of an RV park in 2017. In order to maintain current levels of service, the Rancheria would need to provide waste management programs for an additional 312 yards generated by 2025.

Chapter 3

Existing Solid Waste System

Section 1 - Solid Waste Collection and Disposal

This chapter presents a description of the existing solid waste system for the Alturas Indian Rancheria. A thorough evaluation of the existing collection and disposal system was conducted in order to determine the types of contracts, facilities, and infrastructure that will be needed over the planning period.

Existing Program

The existing solid waste collection system was evaluated for its ability to meet existing and projected needs within the framework of the following goals:

1. Reduction of solid waste produced by commercial ventures
2. Recycling and use of green technologies to reduce carbon footprint
3. Over all the issues is the need for ordinance and codes to govern the environment.

These goals were developed to address solid waste collection needs and are derived from the overall ISWMP goals identified in **Chapter 1**.

Current Collection System

Contracted with Waste Management Inc.

Available Inventory & Equipment

The casino has one 6 cubic yard waste container picked up twice per week. The tribal government offices and residents utilize this dumpster. These are supplied by the contracted disposal company.

Section 2 - Existing Solid Waste Facilities

This section includes a description of the existing solid waste facilities utilized for solid waste transfer, processing, composting and disposal.

Transfer Station and Landfill

No transfer stations. Contracted hauler utilizes the Modoc County Solid Waste Dump

Recycling Facility

Privately owned recycling company in Alturas (about 4 miles from tribe); they do not provide pick up services or bins.

Compost Facility

No compost facility

Section 3 - Illegal Dumping

Sources of illegal dumping on the Alturas Indian Rancheria are only from past dumping activities, the access to the lands are currently tightly controlled so the chance for illegal dumping are limited.

People observing illegal dumping of solid waste (the action, the presence of improper materials in collection containers, or waste materials dumped in inappropriate locations) on the Rancheria's property are to notify the Tribal Office. During evening or weekends, the notification would go to the Desert Rose Casino security who notify the Modoc County Sheriff's Office.

Existing Conditions

No current illegal dumping is occurring.

Actions for Cleanup

To successfully deal with past illegal dumping problems, the Rancheria has implemented a comprehensive approach that includes site cleanup and remediation.

Site Cleanup and Monitoring

Site cleanup and monitoring includes planning, budgeting, and implementing cleanup projects at current sites and the monitoring of these sites to prevent future illegal dumping. Proper planning is a key element in the success of cleanup efforts. The Rancheria will make sure they have the proper equipment, labor, and arrangements in place for the transportation and disposal of the removed waste.

Monitoring of cleaned up sites is crucial to eliminating the occurrence of illegal dumping. Signs will be posted along with fencing, landscaping or other barriers to limit site access and discourage future dumping at the site.

Community Outreach

Educating tribal members, visitors, and the surrounding community members about proper waste disposal will help limit future illegal dumping incidents. Tribal members and residents are more likely to support solid waste management programs if they understand the new waste disposal options and the dangers of open and illegal dumping. The following measures will be implemented to educate tribal members on new waste disposal options and the dangers of open and illegal dumping.

- Host tribal community meeting to explain ordinances, goals and how to properly dispose of solid or hazardous wastes
- Have the Tribe require their business entities to comply with tribal ordinances and codes.
- Educate and monitor the residential and business compliance.

Surveillance & Control Program

Once policies are in place for actions addressing illegal dumping, program enforcement and measurement are needed for evaluation of how policies are working.

Enforcement

The establishment of solid waste tribal codes, ordinances, and regulations are the foundation for enforcement actions against illegal dumping and set the stage for strong support from tribal council members. Beyond that, support is needed to remind tribal members, visitors, and the local community that illegal dumping is prohibited.

The Rancheria will implement the following enforcement measures as deterrents for illegal dumping.

- Make our ordinances and codes available to the Modoc County Sheriff's Office. This will enable the tribe to ask for law enforcement assistance with illegal dumping by non-tribal residents.
- Enforce for tribal residents and business entities sanctions in the Solid Waste Ordinance.

Program Measurement

Integral to any program is measurement of effectiveness. The Rancheria will implement the following methods to measure the effectiveness of deterrents to illegal dumping.

- Daily monitoring of the lands of the Rancheria by tribal maintenance; on weekends this will be done by business entities security team.

Section 4 - Solid Waste System Needs

Based on the review of the existing collection and disposal system, and the inventory of solid waste facilities, the Rancheria has identified solid waste management needs that are crucial in planning to create solid waste management systems and facilities.

Operation, Collection and Costs

The most cost effective is to continue to contract with Waste Management dba as Alturas Waste Disposal. The yearly cost for Waste Management services is \$5,970.84

Chapter 4

Recycling Programs

Section 1 Existing Recycling Program

Determining Recycling Rate

The recycling rate is the ratio of recycled materials to the total waste stream. In 2013 the recycling rate for Alturas Indian Rancheria was zero.

Available Inventory

There is no available equipment for recycling.

IDENTIFICATION OF RECYCLABLE MATERIALS

Recyclable materials were identified and separated into three tiers using the following criteria:

Tier 1: Materials feasible (i.e., current market, ease of collection, size of waste stream) for current regular recycling programs.

Tier 2: Materials that can be recycled, but for which there are limitations in collecting or marketing on a regular basis. These materials may be collected for recycling on an irregular basis, seasonally, at special events, or at selected locations as feasible or necessary.

Tier 3: Materials for which recycling may become feasible in the future.

The identified list of materials by tier is presented below:

TIERED DESIGNATION OF RECYCLABLE MATERIALS

TIER 1: ROUTINE COLLECTION	TIER 2: LIMITED COLLECTION	TIER 3: POTENTIALLY RECYCLABLE
Aluminum cans	Cardboard and paper	
Water bottles		

RESIDENTIAL RECYCLING COLLECTION FACILITIES

No collection at this time.

COMMERCIAL RECYCLING COLLECTION FACILITIES

None at this time. Cardboard and paper are disposed on a quarterly basis with a secure paper shredding/recycling company.

Section 2 New Recycling Programs

Based on the evaluation included in Section 1, the Rancheria has determined that new or expanded recycling programs are necessary in order to increase the quantities and types of materials that are recycled on the Rancherias.

Recycling Program Goals. The following goals have been adopted to enhance recycling.

- 100% recycling of all aluminum cans and plastic bottles
- 100% recycling of white paper refuse.

New or Expanded Recycling Programs

It has determined that a new recycling program is necessary to be part of the overall solid waste management system.

Section 3 Outreach and Community Involvement

To be developed as part of the new recycling program.

Chapter 5

Special Wastes

Section 1 - Introduction

Special Waste

Wastes that require special handling or consideration when it enters the solid waste management system are labeled special waste. These wastes may include, but are not limited to:

- Household Hazardous Waste (HHW)
- Construction and Demolition (C&D) Debris
- Electronic Wastes (E-Waste)
- Tires
- Asbestos Wastes
- Vehicle Fluids
- Petroleum Contaminated Soil
- Medical/Infectious Wastes
- Veterinary Wastes
- Liquid Wastes

For this plan, only C&D, HHW, and Tires will be discussed in this Chapter.

Section 2 - Construction and Demolition Waste

Introduction

Construction and demolition (C&D) debris is generated by the construction, demolition, and renovation of existing structures, clearing of land, removal or construction of roads and utilities, and other activities that produce bulky wastes. General characteristics, regulatory requirements, landfilling options, and recycling opportunities for C&D debris differ from those for MSW, and therefore, should be managed differently.

Some C&D debris may be classified as hazardous waste because it contains hazardous materials, such as lead or chromium, or has been contaminated by other hazardous waste. Hazardous C&D debris must be disposed of in a hazardous waste landfill. Other toxic materials, such as asbestos and polychlorinated biphenyls (PCBs), must also be managed in accordance with federal regulations, as spelled out by the Toxic Substances Control Act (TSCA).

C&D Existing Practices

Generation and Contract Surveillance

C&D debris is generated from a variety of construction and demolition activities. Sources and representative composition are discussed in this subsection. Depending on the type and amount of activities occurring on the Rancheria, the amount of C&D debris generated can vary greatly.

- All construction contracts require the contractor to remove 100% of the debris to be disposed of in county landfill.

Program Development

The major potential benefits of C&D debris recycling are to reduce the cost of materials used in construction and to reduce the volume and cost of disposal of waste materials. Other benefits that can be gained through waste management include a more accurate prediction of waste generation rates for building projects, increased revenue from the sale of the recovered materials, and the conservation of valuable natural resources.

The Rancheria has selected the following options for implementation:

- All construction contracts require the best green practices be explored and the options made available to the Tribe.

Section 3 - Household Hazardous Waste

Existing Programs & Contracted Services and Agreements

Household Hazardous Waste (HHW) is collected during one-day events throughout the year conducted by Modoc County. Any HHW generated by the business entities is disposed through the private contracted waste management company.

Program Development

The primary goal is to minimize environmental and health impacts associated with HHW. Efforts will be directed at educating the tribal residents and business entities about the potential hazards of household products, as well as proper handling and disposal methods.

- Annual Pesticide Workshop covers proper disposal
- Tribe will require business entities to monitor and properly dispose of HHW.

Section 4 - Scrap Tires

INTRODUCTION

Scrap tires are generated from passenger cars, trucks, farm equipment or commercial businesses. A tire's physical structure, durability, and heat-retaining characteristics make tire stockpiles a potential threat to human health and the environment. The tire allows rainwater to collect and creates an ideal habitat for mosquitoes. Tires in stockpiles also can ignite, creating fires that are difficult to extinguish and can burn for months, generating unhealthy smoke and toxic oils. Illegal tire dumping pollutes ravines, woods, deserts, and empty lots. Once a tire fire occurs, tires break down into hazardous compounds including gases, heavy metals, and oil.

Existing Program

Modoc County Landfill has a yearly "amnesty" program for disposal of used tires. There is no accumulation of scrap tires on the Rancheria.

Chapter 6

Public Education and Outreach

Section 1 - Waste Reduction

Current Practices

- No program implemented at this time.

Source Reduction and Reuse

- No program implement at this time.

Section 2 - Public Education and Outreach Program

Goals

The following goals have been adopted by the ***Alturas Indian Rancheria*** to enhance the public education and outreach program.

- Yearly workshops on waste reduction and recycling

Existing Program

- To be developed after ordinance approvals.

Measuring Effectiveness

- No new dumps
- After first year, get raw data from waste management company to compare with prior years
- After first year, get raw data on amount of recycled waste.

Section 3 - Recommendations

Required Practices

To improve solid waste management and to increase recycling, reuse, and source reduction, the Tribal Environmental Department needs to develop and implement a public education and outreach program that includes techniques and strategies from this chapter, including the following:

- Reduction of solid was produced by commercial ventures
- Recycling and use of green technologies to reduce carbon footprint
- Contamination and pollution caused by neighboring jurisdictions usage of pesticides

Chapter 7

Implementation

Section 1 - Administration

Administration includes the planning, development, contracting, legal, technical, record keeping, staffing, and public education responsibilities that are involved in the management of the tribal solid waste system.

Tribal Personnel & Responsibilities

- Tribal Environmental Director. Responsible for development of ordinances and codes.
- Tribal Environmental Technician. Responsible of assisting the overall program
- Tribal and Business Entity Maintenance. Responsible for following all ordinances and codes.
- Tribal Business Committee. Responsible for enforcement of violations.

Needs

With program growth, needs arise for additional funding, staff, and facilities. This section describes any needs the tribe has for the solid waste and recycling programs.

- Recycling program
- Green ordinance

Section 2 - Contractual Services & Agreements

Contracted Services & Agreements Contract Surveillance

Existing contract with Waste Management Inc., dba Alturas Waste Disposal, for weekly pick up of company supplied waste bins.

Tribal and business entity maintenance personnel monitor contract compliance.

Section 3 - Financial Obligations & Funding

Funding Assistance and Funding Opportunities

- EPA GAP grant to develop environmental programs.
- Possible need for funding for clean-up of closed dumps
- Private grants such as Coca-Cola grant for recycling containers.

Section 4 - Monitoring & Reporting Practices

Program Measurement Reports

- To be implemented with new program to be monitored by the Tribal Environmental Director.

APPENDIX A
FEDERAL GUIDANCE DOCUMENTS RELATING TO
SOLID WASTE MANAGEMENT ISSUES FOR TRIBAL RANCHERIAS

GUIDANCE DOCUMENT	DESCRIPTION OF DOCUMENT	AFFECTS TO TRIBES
Federal Laws	<i>Federal Laws can be found on the following website: http://www.epa.gov; click on Laws and Regulations; and click on Major Environmental Laws.</i>	
Resource Conservation and Recovery Act (RCRA)	<p>Enacted in 1976, RCRA is the primary federal law governing solid waste.</p> <ul style="list-style-type: none"> • RCRA addresses the issue of managing and disposing of municipal and industrial waste nationwide. • RCRA establishes federal programs to regulate and manage treatment, storage, transport, and disposal of non-hazardous solid waste and hazardous waste. • Municipal solid waste (MSW) is regulated under Subtitle D of RCRA by technical standards for solid waste management facilities. 	RCRA applies to all Tribal Rancherias, including ones with established landfills on-site. Tribes may also be held liable for RCRA violations for hazardous waste sites on Rancherias lands.
	Under Sections 2002, 4004, and 4010 of RCRA, the EPA has the authority to promulgate site-specific rules concerning municipal solid waste landfill (MSWLF) criteria, including small landfill exemptions.	Owners/operators of landfills on Tribal Rancherias can request design and operating flexibility in states with EPA-approved MSWLF permitting programs.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	<p>Congress enacted CERCLA, also known as the Superfund Law, in 1980. CERCLA provides a broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.</p> <ul style="list-style-type: none"> • CERCLA establishes a ban on and select requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. 	Tribal lands that have illegal dumping and hazardous materials disposed of in their municipal solid waste stream can be subject to potential CERCLA risks.

APPENDIX A
FEDERAL GUIDANCE DOCUMENTS RELATING TO
SOLID WASTE MANAGEMENT ISSUES FOR TRIBAL RANCHERIAS

GUIDANCE DOCUMENT	DESCRIPTION OF DOCUMENT	AFFECTS TO TRIBES
Waste management practices that directly or indirectly impact groundwater, surface water, and air resources on Tribal lands also can be subject to federal regulatory requirements. In addition to a tribe's inherent regulatory authority, certain federal regulatory programs, including the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act also are applicable to tribes.		
Clean Water Act (CWA)	<p>The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States.</p> <ul style="list-style-type: none"> • It gives EPA the authority to implement pollution control programs such as setting wastewater standards for industry, and has requirements to set water quality standards for all contaminants in surface waters. • The CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. 	To obtain "treatment as state" (TAS) status under the CWA, a tribe must meet criteria reflecting its ability to effectively implement the program.
Clean Air Act (CAA)	<ul style="list-style-type: none"> • The CAA gives authority to the EPA for setting limits on how much of a pollutant can be in the air anywhere in the United States. This ensures that all Americans have the same basic health and environmental protections. • The law allows individual states to have stronger pollution controls, and take the lead in carrying out the CAA, because pollution control problems often require special understanding of local industries, geography, housing patterns, etc. 	Tribes had limited powers under the CAA. The EPA allows tribes to regulate indirect emissions from sources near the Rancherias. Tribes having landfills should be concerned with methane emissions.
Safe Drinking Water Act (SDWA)	<p>Congress originally passed the SDWA in 1974 to protect public health by regulating the nation's public drinking water supply.</p> <ul style="list-style-type: none"> • Amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. 	Tribes may be treated as states by the EPA to delegate certain program authority if a tribe demonstrates its ability to administer a program effectively.

APPENDIX A
FEDERAL GUIDANCE DOCUMENTS RELATING TO
SOLID WASTE MANAGEMENT ISSUES FOR TRIBAL RANCHERIASS

GUIDANCE DOCUMENT	DESCRIPTION OF DOCUMENT	AFFECTS TO TRIBES
<i>Federal Regulations</i>	Federal Regulations can be found at: http://www.epa.gov ; select "Laws, Regulations & Dockets" and then select "Code of Federal Regulations".	
40 CFR 243: <i>Guidelines for the Storage & Collection of Residential, Commercial, & Institutional Solid Waste</i>	<p>Applicable to the collection of residential, commercial, and institutional solid wastes and street wastes.</p> <ul style="list-style-type: none"> • Recommended for state, interstate, regional, and local governments for use in their activities. • Outline minimum levels of performance required of solid waste collection operations, including solid waste collection containers, types of collection vehicles and associated safety precautions, and frequency of collection to inhibit the propagation or attraction of vectors and the creation of nuisances. 	Tribes should follow guidelines for the storage of solid wastes to avoid health concerns created by animals and unsanitary conditions.
40 CFR 257: <i>Criteria for Classification of Solid Waste Disposal Facilities and Practices</i>	<p>Establishes regulatory standards to satisfy the minimum national performance criteria for sanitary landfills.</p> <ul style="list-style-type: none"> • Establishes standards for determining whether solid waste disposal facilities and practices may pose adverse effects on human health and the environment. • Governs only those solid waste disposal facilities that do not meet the definition of a MSWLF. 	Tribal facilities failing to satisfy either the criteria in CFR 257 are considered "open dumps", which are prohibited under Section 4005 of the RCRA.
40 CFR 258: <i>Criteria for Municipal Solid Waste Landfills</i>	<p>Establishes minimum national criteria under RCRA for protecting human health and the environment, while allowing states/tribes to develop more flexible MSWLF criteria.</p> <ul style="list-style-type: none"> • Applies to owners and operators of new MSWLF units, existing MSWLF units, and lateral expansions, except otherwise noted. 	Indian tribes can maintain lead roles in implementing and enforcing the revised MSWLF criteria through approved state/Tribal permit programs.

APPENDIX A
FEDERAL GUIDANCE DOCUMENTS RELATING TO
SOLID WASTE MANAGEMENT ISSUES FOR TRIBAL RANCHERIAS

GUIDANCE DOCUMENT	DESCRIPTION OF DOCUMENT	AFFECTS TO TRIBES
	<p>Subparts D and E exempt certain landfills (Exemptions for Small Landfills) if they meet the following criteria. To qualify, a landfill must:</p> <ul style="list-style-type: none"> • Receives less than 20 tons of waste per day (averaged yearly), receive less than 25 inches of rainfall per year, and have no other practical waste disposal alternative. • Have no evidence of ground-water contamination from the landfill. • Be considered an extremely remote community that has no ready access to other disposal sites for an extended period of time 	
<p>40 CFR Parts 260-271: <i>Hazardous Waste Management Guidelines</i></p>	<p>Sets forth rules and identifies solid wastes which are subject to regulation as hazardous wastes and which are subject to the notification requirements in RCRA. Parts 260-271 sets guidelines for:</p> <ul style="list-style-type: none"> • Defines criteria for identifying the characteristics of hazardous waste. • Provides a listing of hazardous wastes. • Establishes standards for generators and persons transporting hazardous wastes. • Establishes minimum national standards for acceptable management practices for owners and operators of all facilities that treat, store, or dispose of hazardous waste. 	<p>In addition to RCRA violations, tribes may also be held liable for 40 CFR Parts 260-271 violations for hazardous waste sites and storage on Rancherias lands.</p>
<p>40 CFR Part 273: <i>Standards for Universal Waste Management</i></p>	<p>Establishes standards for the management of universal wastes (batteries, pesticides, thermostats, and lamps).</p> <ul style="list-style-type: none"> • Reduces the regulatory management requirements • Fosters environmentally sound recycling or disposal practices of these select 	<p>Tribes generating universal wastes should comply with storage requirements, but may recycle the materials instead of disposing.</p>

APPENDIX A
FEDERAL GUIDANCE DOCUMENTS RELATING TO
SOLID WASTE MANAGEMENT ISSUES FOR TRIBAL RANCHER/ASS

GUIDANCE DOCUMENT	DESCRIPTION OF DOCUMENT	AFFECTS TO TRIBES
	wastes commonly generated as hazardous wastes.	
40 CFR Part 279: <i>Standards for the Management of Used Oil</i>	Establishes standards for the generation, transportation, reuse, recycling, and disposal of used oil.	Tribes generating used oil should comply with storage requirements, but may recycle the materials instead of disposing.
Other Legislation		
Public Law 103-399: <i>(The Indian Lands Open Dump Clean Up Act) October 22, 1994</i>	Identifies the location of open dumps on Indian lands. <ul style="list-style-type: none"> Assesses the relative health and environment hazards posed by those sites Provides financial and technical assistance to Indian Tribal governments to close such dumps in compliance with Federal standards and regulations or standards promulgated by Indian Tribal governments or Alaska Native entities. For further information, go to: http://www.ihs.gov	
Executive Order 13175: <i>Consultation and Coordination With Indian Tribal Governments,</i> November 9, 2000	Executive Order (EO) 13175 establishes a working relationship with Indian Tribal governments for the development of regulatory practices on Federal matters that have great impact on their communities. <ul style="list-style-type: none"> Reduces the burden of unfunded mandates upon Indian Tribal governments and simplifies the process for waivers to Indian Tribal governments. For further information, go to: http://www.epa.gov/fedrgstr/eo/eo13175.htm .	

ALTURAS INDIAN RANCHERIA SOLID WASTE DISPOSAL AND WASTE REDUCTION ORDINANCE

(Approved August 8, 2014)

The Business Committee of the Alturas Indian Rancheria, authorized by the Tribal Constitution to enact ordinances, hereby ordains the following:

1. Findings

The Business Committee finds and declares as follows:

- a. The Alturas Indian Rancheria is the permanent homeland of the Tribe.
- b. The Tribe has the inherent and constitutional authority as a sovereign and as a matter of territorial management to protect and preserve the homeland of the Tribe.
- c. The uncontrolled disposal of solid and hazardous waste poses a serious threat to the health of the environment: lands, culture, religion, and natural resources of the Alturas Indian Rancheria and other territory over which the Tribe has jurisdiction.

2. Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

- a. The term "Business Committee" means the Business Committee of the Alturas Indian Rancheria.
- b. The term "composting" means depositing in an appropriate on-site container at a residential location, vegetative materials from a household's waste stream to create a mixture of organic matter used for fertilizing and conditioning land, such as for use in gardens.
- c. The term "disposal" means the discharge, abandonment, deposit, injection, dumping, spilling leaking, or placing of any solid waste or hazardous waste into on any land or water within the Rancheria or other territory over which the Tribe has jurisdiction so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharge into any waters, including groundwater; provided that composting is excluded from the definition of disposal.
- d. The term "hazardous waste" means a solid waste, or combination of solid wastes, which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- e. The term hazardous waste shall include the following:

1. All plastics, foam, and Styrofoam, as those terms are commonly used, that is no longer being used or has been discarded;
 2. Hazardous waste as defined in 40 C.F.R. section 261.3 as amended from time to time;
 3. Any hazardous air pollutant listed under the Clean Air Act, as codified in part at 42 U.S.C. section 7412; and
 4. Any hazardous substance contained in 40 C.F.R... Sections 172.101, Appendix A (List of hazardous Substance and Reportable Quantities) as amended from time to time.
- f. The term "Littering" means throwing any item out of any vehicle or scattering items or solid waste in any manner.
 - g. The term "Nuisance" means a condition that occurs as a result of the handling, treatment, storage, or disposal of solid waste, which condition is injurious to health, is indecent or offensive to the senses, is an obstruction to the free use of property, or interferes with the comfortable enjoyment of life or property.
 - h. The term "Open Dump" means any facility or site which solid waste is disposed of that is not an approved disposal site.
 - i. The term "Person" means an individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, federal, tribal, state, county, city, or district government or other political subdivision thereof, or any group or combination acting as a unit whether incorporated or not, including a person acting in fiduciary or representative capacity.
 - j. The term "Pest" means any insect, rodent, nematode, fungus, weed, or any form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro – organism (except viruses, bacteria, or micro – organisms on or in living humans or other living animals) which the U.S. Environmental Protection Agency declares to be a pest or which are located in an area when and where they are not wanted.
 - k. The term "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and/or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, causing the leaves or foliage to drop from a plant and artificially accelerating the dying of plant tissue, or accelerating or retarding the rate of growth or maturation or otherwise altering the behavior of plants or the product thereof, that is registered by the U.S. Environmental Protection Agency, except that the term "pesticide" shall not include any article that is a "New Animal Drug" within the meaning of section 321 (w) of Title 21.
 - l. The term "Rancheria" means all land, air and water located within the exterior boundaries of the Alturas Indian Rancheria.
 - m. The term "Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.
 - n. The term "Solid Waste" means any garbage, trash, rubbish, refuse, sludge, an other discarded material, including solid, liquid, semisolid, or continued

gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, such as ashes, dead animals, abandoned vehicles, street and parking lot cleanings.

- o. The term “Storage” or “Store” means confining, containing or stockpiling of solid waste prior to collection and transport to an approved disposal site or facility authorized to accept solid waste that outside the boundaries of the Rancheria or other territory over which the Tribe has jurisdiction.
- p. The term “Tribe” means Alturas Indian Rancheria, a federally recognized tribe.
- q. The term “Violation” means violation of this Ordinance.

2. Jurisdiction

- a. The applicability of this Ordinance shall extend to all persons who transport, handle, store, or dispose of any item or material that can become solid waste within the Rancheria or other territory over which the Tribe has jurisdiction.
- b. Any person who enter onto the Rancheria or other territory over which the Tribe has jurisdiction shall become subject to this Ordinance and shall be deemed to have consented to the jurisdiction of the Tribe and to be bound by lawful enactments of the Tribe.

3. Responsibility for Storage, Transport and Disposal of Solid Waste

- a. Any person who generates solid waste shall be responsible for the proper storage, transport and disposal of that solid waste. Responsibility includes, but is not limited to, liability for any costs incurred in the clean-up of solid waste that is improperly stored, transported, or disposed of, as set forth in this Ordinance.
- b. Contracting with an authorized hauler of solid waste shall be deemed satisfaction of the responsibility to transport and dispose of solid waste.
- c. Any person transporting solid waste or any person who by contract, agreement or otherwise, arranger for the recovery, transport, or disposal of solid waste is responsible for the proper transport and disposal of that solid waste. Responsibility includes, but is not limited to liability for any costs incurred in the clean-up of solid waste that is improperly stored, transported, or disposed of, as set forth in this Ordinance.
- d. Any person disposing of solid waste shall be responsible for the proper disposal of that solid waste. Responsibility includes, but is not limited to, liability for any costs incurred in the clean-up of solid waste that is improperly stored, transported, or disposed of, as set forth in this Ordinance.

4. Storage of Solid Waste

- a. Solid waste may be temporarily stored at residences, businesses or tribal offices within the Rancheria or other territory over which the Tribe has jurisdiction.
- b. Any person storing solid waste on the Rancheria or territory over which the Tribe has jurisdiction must store the solid waste in durable containers with close fitting lids in a neat and tidy fashion. Containers shall be maintained in

such a manner so as to prevent the creation of a nuisance or threat to the public health.

- c. No person shall store hazardous waste at their residence or business location except under the following conditions:
 - 1. Small quantities of hazardous waste associated with regular and normal residential use may be stored at a person's residence for no longer than (6) months.
 - 2. Small quantities of hazardous waste associated with regular and normal business use and practice may be stored at the business location, including the tribal offices, for no longer than (6) months.
 - 3. Any person storing hazardous waste at a residence or business location must take precautions to protect the health, safety and welfare of the residents and environment of the Rancheria or other territory over which the Tribe has jurisdiction.
 - 4. No hazardous materials shall be stored in such a manner as to create a nuisance.

5. Transportation of Solid Waste

Any person transporting solid waste within, on or through the Rancheria or other territory over which the Tribe has jurisdiction shall cover, tie or otherwise secure such solid waste so no waste will be blown or dropped from the transport vehicle.

6. Prohibited Activities

- a. No person shall dump, deposit or dispose of solid waste anywhere within the Rancheria or other territory over which the Tribe has jurisdiction.
- b. No person shall burn or incinerate hazardous waste or any pesticide anywhere within the Rancheria or other territory over which the Tribe has jurisdiction.
- c. No person shall improperly dump, deposit or dispose of solid waste in a bin or other temporary solid waste storage container that is not intended for the use of that person.
- d. No person shall maintain an open dump on their property, whether owned or rented, residential or business.
- e. No person shall litter anywhere within the Rancheria or other territory over which the Tribe has jurisdiction.
- f. No person shall carry out any activity in violation of this Ordinance.

7. Civil Penalties

Any person violating any provision of this Ordinance is subject to a civil fine not to exceed 5,000 dollars, depending on the gravity of the violation and any effects on human health

or

the environment resulting from the violation per violation, for each day in which the violation occurs. The civil fine required by this section shall be imposed by any court of competent jurisdiction in accordance with this Ordinance.

8. Clean-up and Abatement

Any person who disposes of any solid waste, hazardous waste or other material covered by this Ordinance within the Rancheria or other territory over which the Tribe has jurisdiction shall be liable for all costs associated with or necessary to clean – up, abate, or remove said materials from the environment of the Rancheria or other territory over which the Tribe has jurisdiction and restore the quality of the environment of the Rancheria or other territory over which the Tribe has jurisdiction to its condition as it existed immediately prior to the disposal.

9. Court Action and Injunctions

Upon failure of any to comply with any provisions of this Ordinance, the Tribe by and through its attorney, shall petition a judicial forum of competent jurisdiction for the issuance of an injunction requiring such person to comply therewith. In any such suit, the court or other judicial forum shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and to levy such fines in accordance with section 8 of this Ordinance and clean – up and abatement costs in accordance with section 9 of this Ordinance, as the facts may warrant.

10. No Other Remedies Affected

Nothing in this Ordinance shall in any way limit an individual's right to pursue, in any tribal judicial forum of competent jurisdiction, a private action for damages resulting from actions that would be considered violations of this Ordinance.

11. Tribal Environmental Protection Fund

- a. All monies collected or received by the Tribe as a result of violations of this Ordinance shall be credited to the Tribal Environmental Protection Fund.
- b. The Tribal Environmental Protection Fund shall be used for expenses related to protection human health and the environment within the Rancheria and other territory over which the Tribe has jurisdiction, enforcing the provisions of the various environmental ordinances adopted by the Tribe, promoting environmental projects, and furthering environmental education for tribal members and residents of the Rancheria and other territory over which the Tribe has jurisdiction.

12. Effects of Ordinance on other Tribal Ordinances

This Ordinance supersedes any conflicting or contrary ordinances enacted by the Tribe.

13. Effect of Invalid Provisions

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Ordinance.

14. Sovereign Immunity

The sovereign Immunity of the Tribe is in no manner waived by this Ordinance or by any action by the Business Committee, the Tribal EPA, or other staff of the Tribe acting pursuant to this Ordinance.

15. Amendments

This Ordinance may be amended at any time by the Business Committee.

16. Effective Date

This ordinance shall take effect immediately upon passage.

Appendix B

INFORMATION CHECKLIST

CHAPTER/ SECTION	DATA	SOURCE
CHAPTER 2	POPULATION AND HOUSING	
Section 1	<input type="checkbox"/> Existing and projected population	<input type="checkbox"/> Tribal office
Section 1	<input type="checkbox"/> Existing and projected residential units and commercial businesses	<input type="checkbox"/> Tribal office
Section 2	SOLID WASTE GENERATION	
	<input type="checkbox"/> Quantities of wastes disposed by sector	
	<input type="checkbox"/> Residential	<input type="checkbox"/> Hauler
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Hauler
	<input type="checkbox"/> Quantities of wastes recycled	
	<input type="checkbox"/> Residential	No program
	<input type="checkbox"/> Commercial	No program
	<input type="checkbox"/> Composition of wastes by sector	
	<input type="checkbox"/> Residential	<input type="checkbox"/> Tribal and business stats.
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Tribal and business stats
CHAPTER 3	SOLID WASTE FACILITIES	
Section 1	<input type="checkbox"/> Existing solid waste service providers names, locations, contracts	<input type="checkbox"/> Tribal office
Section 2	<input type="checkbox"/> Existing public and private sector solid waste facilities and capacities	<input type="checkbox"/> County solid waste management plan

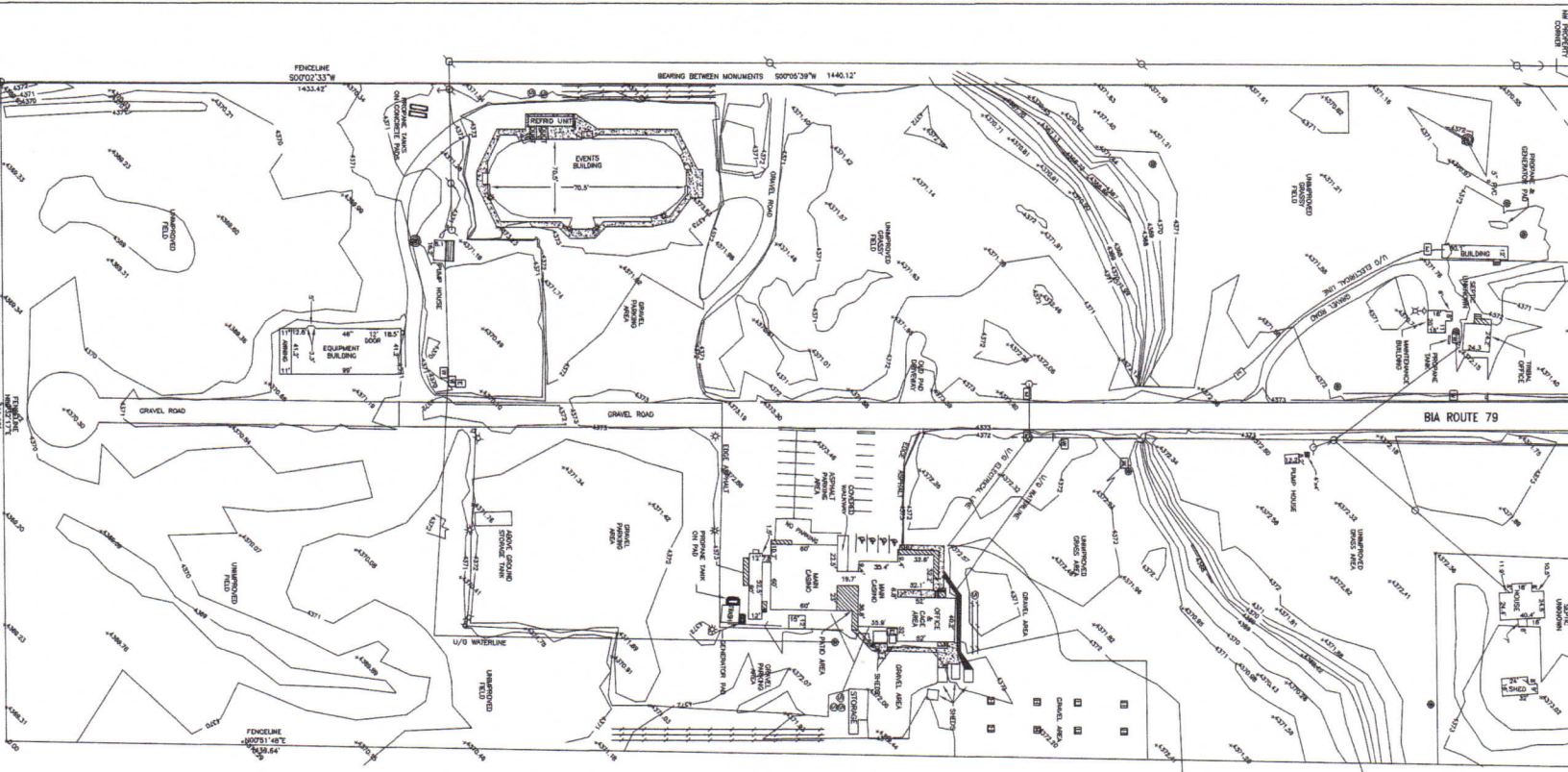
CHAPTER/ SECTION	DATA	SOURCE
Section 3	<input type="checkbox"/> Illegal dumping	<input type="checkbox"/> IHS <input type="checkbox"/> BIA <input type="checkbox"/> USEPA (For Illegal Dumping Economic Assessment model).
Section 4	<input type="checkbox"/> Solid Waste System Needs	<input type="checkbox"/> Tribal office
CHAPTER 4	RECYCLING PROGRAMS	
Section 1	<input type="checkbox"/> Existing recycling program	No program at this time
Section 2	<input type="checkbox"/> Future programs	<input type="checkbox"/> Professional organizations: Solid Waste Association of North America (SWANA); Institute of Scrap Recycling Industries; county recycling coordinators; National Recycling Coalition (MRC) <input type="checkbox"/> Containers: www.epa.gov/cpg/products/office.htm
CHAPTER 5	Special Wastes	
Section 2	<input type="checkbox"/> Construction and Demolition Debris	<input type="checkbox"/> Local contractors <input type="checkbox"/> Contracted haulers
Section 3	<input type="checkbox"/> Household Hazardous Waste	<input type="checkbox"/> Tribal office <input type="checkbox"/> County recycling coordinators
Section 4	<input type="checkbox"/> Tires	<input type="checkbox"/> Tribal office <input type="checkbox"/> County recycling coordinator
Chapter 6	Public Education and Outreach	
Section 1	<input type="checkbox"/> Waste Reduction	<input type="checkbox"/> Tribal EPA department <input type="checkbox"/> County recycling coordinator <input type="checkbox"/> Region 9 Solid Waste Team
Section 2	<input type="checkbox"/> Public Education and Outreach	<input type="checkbox"/> Tribal EPA department <input type="checkbox"/> Schools <input type="checkbox"/> Libraries

CHAPTER/ SECTION	DATA	SOURCE
Chapter 7	Implementation	
Section 1	<input type="checkbox"/> Administration	<input type="checkbox"/> Tribal council
Section 2	<input type="checkbox"/> Contracts	<input type="checkbox"/> Tribal EPA director or tribal administrator
Section 3	<input type="checkbox"/> Funding	<input type="checkbox"/> Tribal government <input type="checkbox"/> NCRS <input type="checkbox"/> Department of Agriculture (USDA) <input type="checkbox"/> Department of Housing and Urban Development (HUD) <input type="checkbox"/> Department of Health and Human Services (HHS) <input type="checkbox"/> Environmental Protection Agency (USEPA)
Section 4	Monitoring and Reporting <input type="checkbox"/> Waste quantities	<input type="checkbox"/> Tribal EPA department <input type="checkbox"/> Contracted haulers
	<input type="checkbox"/> Container inventory	<input type="checkbox"/> Tribal EPA department

Appendix C

Recycling Management Plan

Plan will be developed in 2014-15

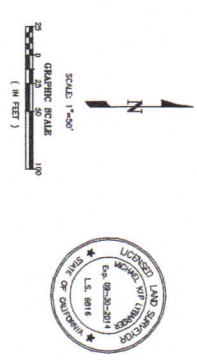


LEGEND

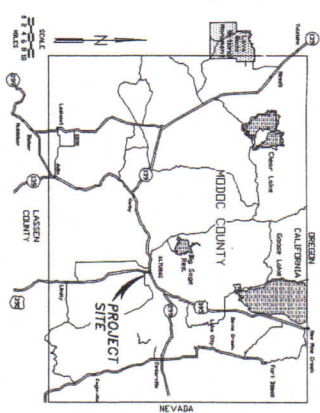
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- U/S ELECTRICAL LINE
- U/S SEWER LINE
- APPROXIMATE CANOPY SIZE
- CANAL/SLUICED
- OVERHEAD POWER LINES
- CL. ROAD
- LEACH LINES U/S
- FENCE
- HORSESHOE PIT
- WALK RAMP/STAIR LANDINGS
- STAIRS
- CONCRETE SIDEWALK
- POWER POLE
- DAY WIRE
- LIGHT POST
- WAVE WALL
- ELECTRIC VALVE
- WATER PUMP ON SUMP UP
- WOOD POLE WITH LIGHT
- SEPTIC TANK / LID
- SINGLE TPOX SIGN
- U/S
- UNDER GROUND

NOTE

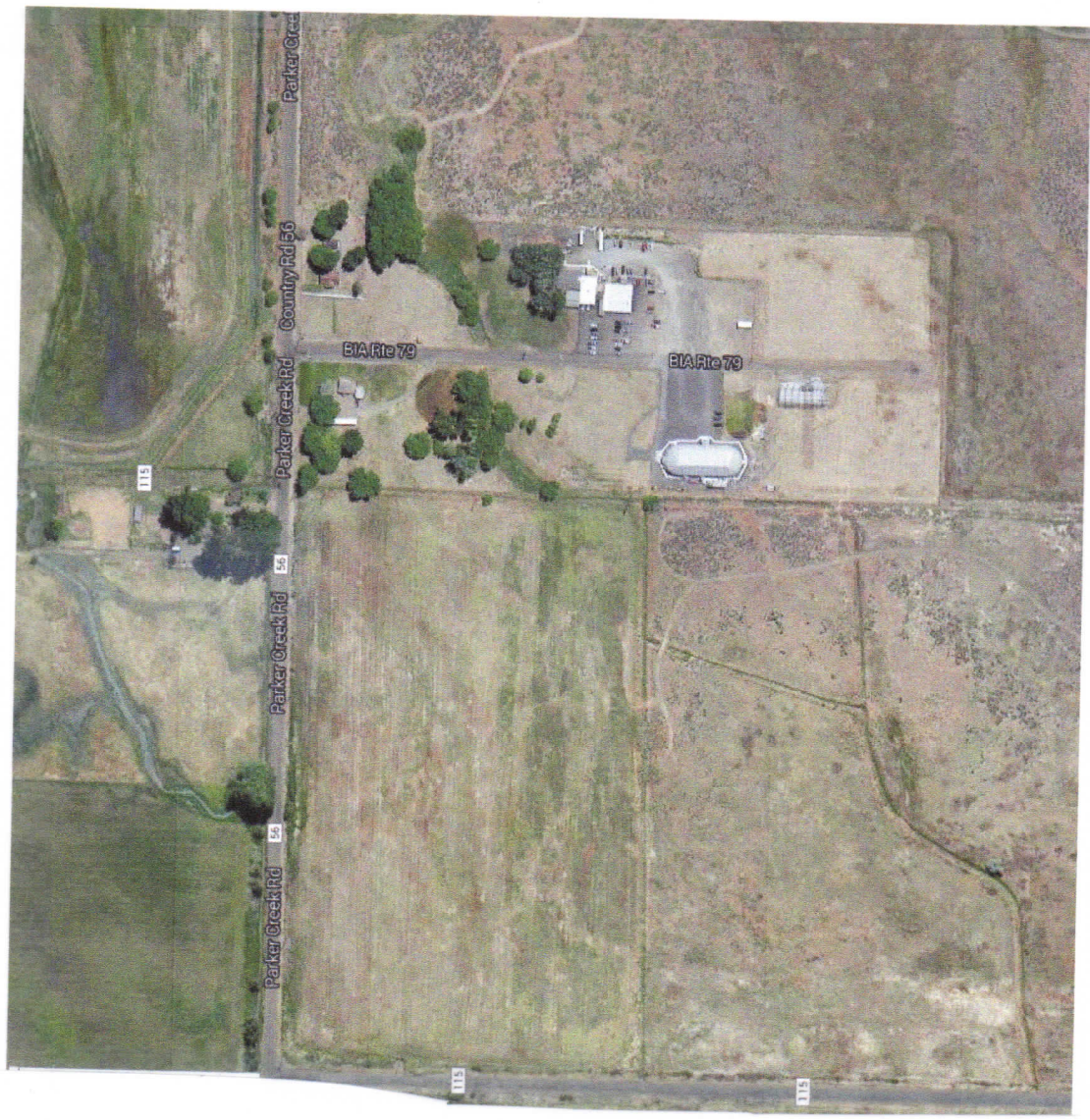
LOCATION OF UNDERGROUND UTILITIES AND APPROPRIATIONS ARE BASED ON AERIAL PHOTOGRAPHY, SURVEY STAKE LOCATIONS, AND BY LOCATIONS SHOWN TO DATE 11/2014. THE EXISTING UTILITIES ARE NOT GUARANTEED TO BE ACCURATE. UNDERGROUND UTILITIES ARE NOT GUARANTEED BY ALCIS ENGINEERING.

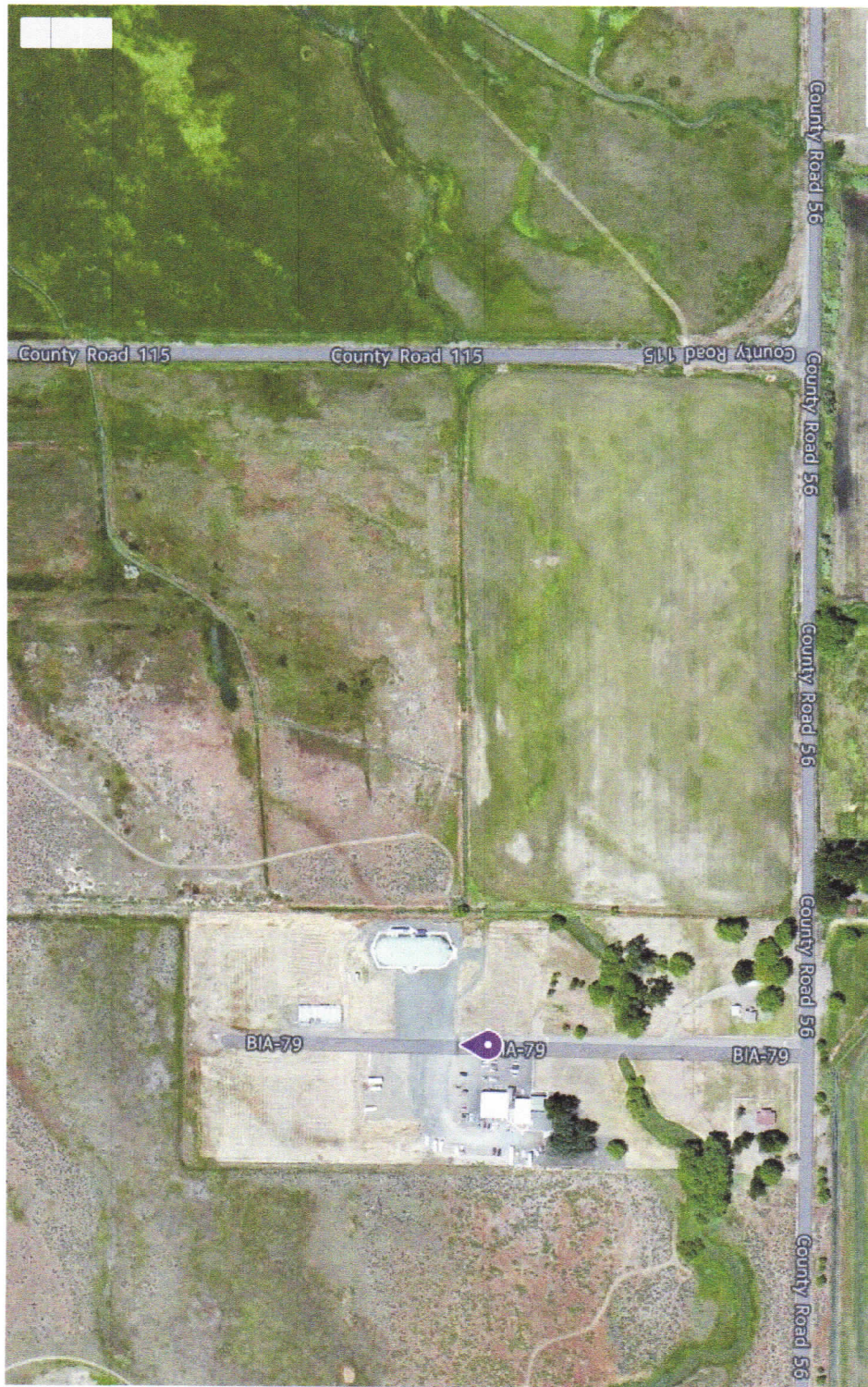


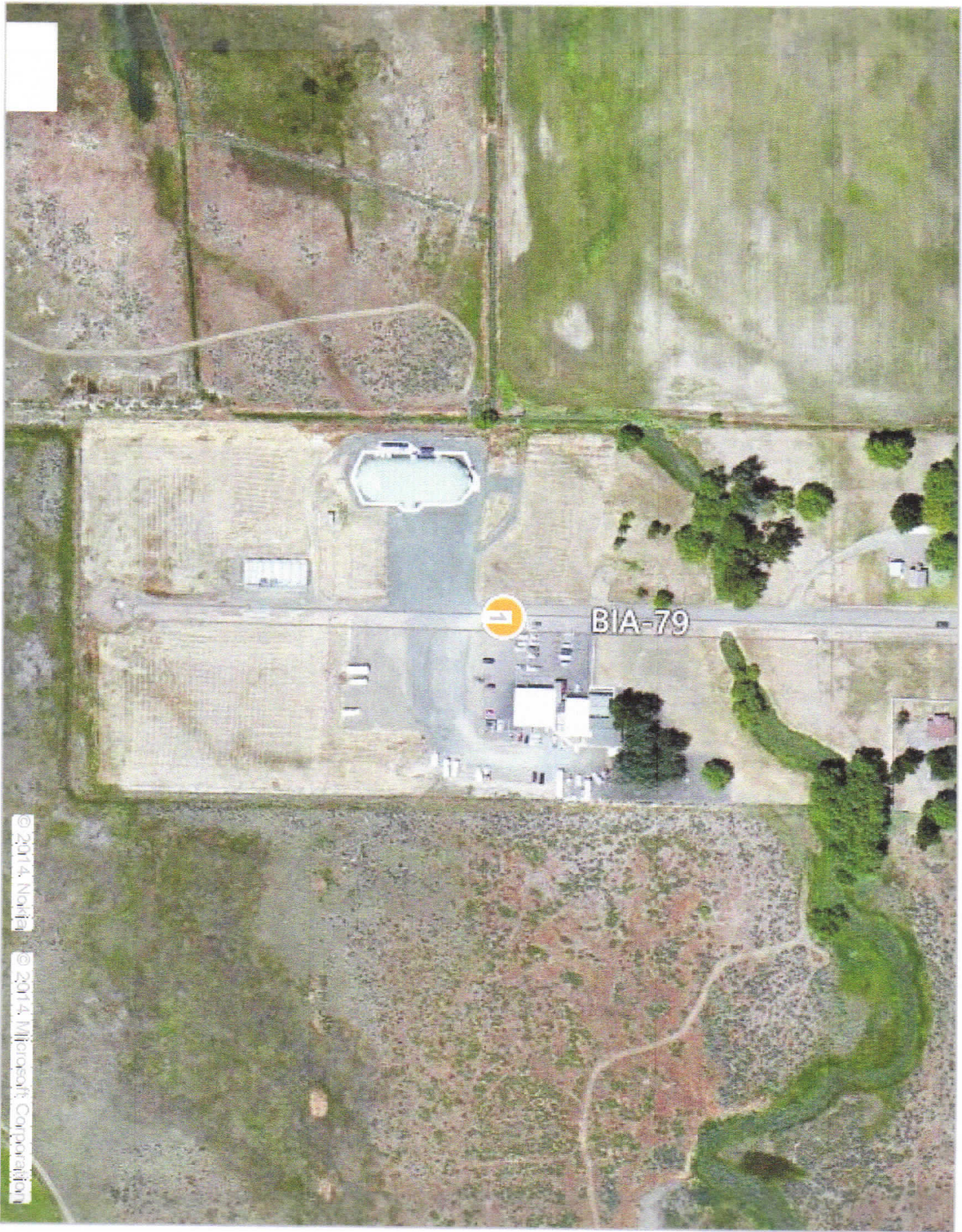
VACINITY



LOCATED IN
SECTION 18, T.42N., R.13E., M.D.B. & M.
IN THE UNINCORPORATED TERRITORY OF







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